

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

MDL NO. 1456

CIVIL ACTION NO. 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENTS RELATES TO
01-CV-12257-PBS

DEFENDANTS' MOTION FOR CASE MANAGEMENT CONFERENCE

Pursuant to Local Rule 16.3, defendants who are presently involved in pre-trial discovery pursuant to Case Management Order ("CMO") 7 respectfully request a case management conference concerning the scope of discovery and the current pre-trial schedule.¹ The grounds for this request are set forth in the accompanying memorandum.

Respectfully submitted,

ON BEHALF OF IDENTIFIED DEFENDANTS

By: Nicholas C. Theodorou
Nicholas C. Theodorou (BBO # 496730)
Lucy Fowler, Esq. (BBO# 647929)
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02110
(617) 832-1000

D. Scott Wise (admitted *pro hac vice*)
DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, NY 10017
(212) 450-4000

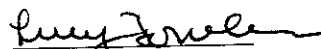
Attorneys for AstraZeneca Pharmaceuticals LP

Dated: January 30, 2004

¹ Those defendants are AstraZeneca Pharmaceuticals LP, Bristol Myers Squibb, GlaxoSmithKline, Immunex and Johnson & Johnson.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on January 30, 2004, a copy to Verilaw Technologies for posting and notification to all parties.


Lucy Fowler

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for defendants conferred with counsel for plaintiffs on this motion, and attempted in good faith to resolve or narrow the issue.


Lucy Fowler